

REMARKS**I. INTRODUCTION**

Claim 1 has been amended. No new matter has been added. Thus claims 1-14 are pending in the present application. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See 04/11/2008 Office Action, p. 3). The Examiner has rejected claim 1 for lacking an antecedent basis for “the reservoir” and “the boiler.” Additionally, the Examiner states that it is not clear what is meant by the recitations “preventing” and “allowing” in claim 1.

Claim 1 has been amended to recite “a water supply channel (25) interconnecting the water reservoir (2) and the closed water boiler (5).” The specification describes a valve structure adapted to block the return of water from the boiler to its water reservoir in response to a water pressure from the boiler exceeding a shut-off pressure valve. Additionally, the specification describes a valve structure which includes a discharge outlet connected for water outflow to the brewing unit and is adapted to open a passage from that inlet to the discharge outlet in response to a water pressure at the inlet. Thus, Applicant respectfully submits that in view of the specification “preventing water passage from said inlet “ and “allowing water passage from said inlet,” as recited in claim 1, would be clear to one of ordinary skill in the art. Thus, Applicant respectfully submits that the Examiner should withdraw this rejection.

III. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by EP1006513A2. The structural features of the instantly rejected claims are structurally met by the DE 202 18 121 reference. (See 04/11/2008 Office Action p. 4).

The Applicant would like to thank the Examiner for leaving a message stating that the DE 202 18 121 reference was incorrect.

Claim 1 recites “[a] beverage maker.” EP1006513A2 describes an “[o]ptical multilayer digital data carrier.” Thus, Applicant respectfully submits that EP1006513A2 does not teach each and every limitation of claim 1. Therefore, Applicant submits that claim 1 is allowable over EP1006513A2. Because claims 2-14 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claim 1-14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,000,317 to Van Der Meer (hereinafter “Van Der Meer”). (See 04/11/2008 Office Action p. 4).

Van Der Meer describes a coffee maker for brewing coffee which comprises a water reservoir, a heating chamber and a pump which pumps water from the reservoir through the heating chamber to a filter device. (See Van Der Meer Abstract). A control device controls the operation of the pump so that the brewing process is automated, and the pump is operated only when the water at the outlet of the heating device is at a suitable temperature. (See Van Der Meer Abstract).

Claim 1 recites “[a] beverage maker comprising: ... a valve structure (7; 47; 107) having an inlet (9 109) connected for water inflow from the boiler (5) and the pump (3), a return outlet

(16; 116) connected for returning water to the reservoir (2), and a discharge outlet (20; 120) connected for water outflow to the brewing unit (8), the valve structure (13; 43; 153) being adapted for: preventing water passage from said inlet (9; 109) to said return outlet (16; 116) if the water pressure at said inlet (9; 109) is below a relief pressure value; allowing water passage from said inlet (9; 109) to said return outlet (16; 116) if the water pressure at said inlet (9; 109) is above said relief pressure value and below a shut-off pressure; preventing water passage from said inlet (9; 109) to said return outlet (16; 116) if the water pressure at said inlet (9; 109) is above said shut-off pressure value; preventing water passage from said inlet (9; 109) to said discharge outlet (20; 120) if the water pressure at said inlet (9; 109) is below a discharge pressure value; and allowing water passage from said inlet (9; 109) to said discharge outlet (20; 120) if the water pressure at said inlet (9; 109) is above said discharge pressure value; wherein said relief pressure value, said shut-off pressure value, and said discharge pressure value are predetermined at least to the extent that: said relief pressure value is above atmospheric pressure; said relief pressure value is lower than each of said shut-off pressure value and said discharge pressure value; and said shut-off pressure value and said discharge pressure value are each lower than a pumping pressure at said inlet (9; 109) generated by said pump (3) when said pump is in operation.”

Van Der Meer discloses “a three way valve, which is switchable between a ‘coffee’ outlet and a ‘steam’ outlet.” (See Van Der Meer, col. 4, ll. 10-13). In contrast, claim 1 recites “a valve structure ... being adapted for: preventing water passage from said inlet (9; 109) to said return outlet (16; 116) if the water pressure at said inlet (9; 109) is below a relief pressure value; allowing water passage from said inlet (9; 109) to said return outlet (16; 116) if the water pressure at said inlet (9; 109) is above said relief pressure value and below a shut-off pressure.” Accordingly, Applicant respectfully submits that Van Der Meer does not teach or suggest “a valve structure,” as recited in claim 1. Additionally, Applicant respectfully submits that the limitation recited in claim 1 would not be obvious to one of ordinary skill in the art over Van Der Meer. Thus, Applicant respectfully submits that claim[[s]] 1 is allowable over Van Der Meer. Because claims 2-14 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: July 7, 2008

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